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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,903	04/01/2005	Minoru Wada	268849US3PCT	5289

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

NOTIFICATION DATE	DELIVERY MODE
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07/16/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/529,903		WADA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Patricia L. Nordmeyer		1772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21, 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 6 and 9 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038).

Riboud discloses an adhesive roll cleaner (Figures 1 – 5; Column 1, lines 23 – 24) comprising a core tube including a plurality of adhesive tapes (Column 2, lines 8 – 14), each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion (Column 2, lines 1 – 5), each of the adhesive tapes being helically wound (Column 2, lines 8 – 11, wherein spirally is the same as helically) around the core tube in a layered configuration with the adhesive portion out (Column 2, lines 1 – 5) and each of the adhesive tapes being wound with

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a gap of prescribed with between every adjacent turn (Column 2, lines 13 – 14) as in claims 1 and 11. However, Riboud fails to teach the adhesive tape having different widths, the adhesive tape is located at an upper layer having a larger width than that of the adhesive tape which is located at the lower layer, the width of the adhesive tapes increases stepwise toward the upper layer, the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape, the positions of the gaps are different between adjacent layers in the thickness direction, wherein the width of the of the adhesive tapes in each layer stepwise increases and the adhesive tapes within a group all have a same width and the adhesive tapes having different widths being arranged such that he width of the adhesive tapes stepwise increases toward an outside so that the adhesive tape that is lowest has the smallest width and an adhesive tape that is uppermost has a largest width, and a width of an adhesive tape which is positioned in the middle of the uppermost and lowest adhesive tapes is between the largest and smallest width and the angle of winding increases from the lower layer to the upper layer.

Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12), the positions of the perforations are different between adjacent layers in the thickness direction (Figure 4, #32) and the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape (Column 2, lines 23 – 29) as part of a lint removal tape (Column 4, line 63) for the purpose of having an outermost

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sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction (Column 1, lines 59 – 63).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the a upper layer having an increasing larger length the lower adhesive tape and the adhesive tape having non-adhesive portions in Riboud in order to have an outermost sheet that covers the perforations of the underneath layers which reduces instances of the tape tearing in a downweb direction as taught by Wood.

With regard to the limitations of “wherein the width of the of the adhesive tapes in each layer stepwise increases and the adhesive tapes within a group all have a same width and the adhesive tapes having different widths being arranged such that he width of the adhesive tapes stepwise increases toward an outside so that the adhesive tape that is lowest has the smallest width and an adhesive tape that is uppermost has a largest width, and a width of an adhesive tape which is positioned in the middle of the uppermost and lowest adhesive tapes is between the largest and smallest width and the angle of winding increases from the lower layer to the upper layer”, it is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape that would have been unforeseen or even an unforeseen result to one of ordinary skill in the art. Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at

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the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape of the adhesive sheet to vary the width. One skilled in the art would have been motivated to do so in order to have the sheets fit smoothly around the core of the adhesive roller. MPEP 2144.04.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) as applied to claims 1 – 3, 6 and 9 – 11 above, and further in view of Shizuno et al. (US PGPub 2003/0088928).

Riboud, as modified with Wood, discloses an adhesive roll cleaner comprising a core tube and a plurality of adhesive tapes, each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion, each of the adhesive tapes being helically wound around the core tube in a layered configuration with the adhesive portion out, each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn and the adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer. However, the modified Riboud fails to disclose the gap being between a width of 0.1 to 4.0 mm and the adhesive tapes each have a tear strength of 500 mN or greater as measured with an Elmendorf tear test in accordance with JIS P8116.

Shizuno et al. teach an adhesive roll cleaner that has a gap being between a width of 0.1 to 4.0 mm (Page 2, Paragraph 0018) and the adhesive tapes each have a tear strength of 500 mN or greater as measured with an Elmendorf tear test in accordance with JIS P8116 (Page 2, Paragraph 0021) for the purpose of preventing tearing of the adhesive sheet due to clinging debris (Page 2, Paragraph 0024).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the gap and tear strength in the modified Riboud in order to prevent tearing of the adhesive sheet due to clinging debris as taught by Shizuno et al.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riboud (USPN 3,417,418) in view of Wood (USPN 5,763,038) as applied to claims 1 – 3, 6 and 9 – 11 above, and further in view of Hukuba (USPN 5,548,861).

Riboud, as modified with Wood, discloses an adhesive roll cleaner comprising a core tube and a plurality of adhesive tapes, each of the adhesive tapes having an adhesive applied to one side there to form an adhesive portion, each of the adhesive tapes being helically wound around the core tube in a layered configuration with the adhesive portion out, each of the adhesive tapes being wound with a gap of prescribed width between every adjacent turn and the adhesive tape which is located at the upper layer having a larger width than that of the adhesive tape which is located at the lower layer. However, the modified Riboud fails to disclose each

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adhesive tape including a mark indicative of a peel position and where the mark is on a longitudinal side area not including adhesive.

Hukuba teaches each adhesive tape including a mark indicative of a peel position (Figure 6, #8) and where tape has a longitudinal side not including adhesive (Figure 3, #13) for the purpose of indicating the direction along which the sheet is taken or the sheet winding direction (Column 8, lines 13 – 15).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the marking in the modified Riboud in order to indicate the direction along which the sheet is taken or the sheet winding direction as taught by Hukuba.

Hukuba discloses the claimed invention except for the mark is on a longitudinal side area not including adhesive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the mark on the longitudinal side area not including adhesive, since it has been held that rearranging parts of an invention involves only routine skill in the art. MPEP 2144.04.

#### ***Response to Arguments***

6. Applicant's arguments filed May 21, 2007 have been fully considered but they are not persuasive.



In response to Applicant's arguments that the prior art fails to disclose the adhesive tapes having different widths, Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53 – 56), the length of the adhesive tapes increases stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12). It is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape that would have been unforeseen or even an unforeseen result to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape of the adhesive sheet to vary the width. One skilled in the art would have been motivated to do so in order to have the sheets fit smoothly around the core of the adhesive roller. MPEP 2144.04.

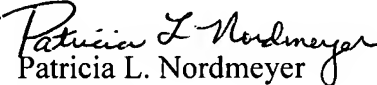
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

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